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EXAMINER

PEYTON, TAMMARA R

ART UNIT

PAPER NUMBER

2182

DATE MAILED: 09/08/2003

24

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N

09/153,577

Applicant(s)

ZIGMOND ET AL.

Examiner

Tammara R Peyton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6,7,11-16,21,22,24-28 and 30-77 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6,7,11-16,21,22,24-28 and 30-77 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 6, 7, 13, 14, 25-28, and 42, are rejected under 35 U.S.C. 102(e) as being anticipated by *Macrae et al.*, (US 2003/0005463).

3. As per claim 6, *Macrae* teaches a method of operating a screen to transition between display of a television signal and display of auxiliary data from an auxiliary data network that delivers data apart from the television signal [via Internet Source Provider, Fig. 1], comprising:
displaying a television signal [Fig. 1];

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in response to link data conveyed with the television signal, displaying with the displayed television signal an icon [95, Fig.2] , said icon indicating the availability of associated auxiliary data from the auxiliary data network [Internet] ; and

responsive to a signal from a viewer during the displaying the icon displaying a graphical control panel [See Figs. 3,4] operable by the viewer to cause display of the auxiliary data associated with the icon. [Abstract, pgs. 1-7]

4. As per claims 7, *Macrae* teaches displaying said icon for a predetermined period, and thereafter removing the displayed icon from the screen.

5. As per claim 13, *Macrae* teaches displaying in the graphic control panel a title of the auxiliary data associated with the icon. [See Fig. 3, 4]

6. As per claim 14, *Macrae* teaches that responsive to a second signal from the viewer during the displaying of the graphical control panel, displaying the auxiliary data.

7. As per claims 25 and 26, *Macrae* discloses receiving the auxiliary data and television signal and seeing if they can be identified by the system's memory and recalling at least part of the memory for displaying to the screen.

8. As per claim 27, *Macrae* teaches that responsive to a second signal from the viewer during the displaying the control panel, ending the displaying the control panel.

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9. As per claim 28, *Macrae* teaches a method in which the control panel includes plural graphical controls, one for causing display of the auxiliary data, and one for ending the displaying the control panel.

10. As per claim 42, *Macrae* teaches ending the displaying the graphical control panel and displaying the auxiliary data instead of the television signal.

A person shall be entitled to a patent unless -

e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

11. Claims 6, 7, 11-14, 25, 26, and 31-34, are rejected under 35 U.S.C. 102(e) as being anticipated by *Wagner et al.*, (US 6,335,736), previously cited in Paper # 19.

12. As per claim 6, *Wagner* teaches a method of operating a screen to transition between display of a television signal and display of auxiliary data from an auxiliary data network that delivers data apart [col. 3, lines 38-40, 48-49] from the television signal [via bi-directional data path, 9, Fig. 1], comprising:

displaying a television signal [2, Fig.1 or 30, Fig. 6];

in response to link data conveyed with the television signal, displaying with the displayed television signal an icon [41, Fig.6] , said icon indicating the availability of associated auxiliary data from the auxiliary data network [col. 6, lines 44-col. 7, lines 1-6] ; and

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responsive to a signal from a viewer during the displaying the icon displaying a graphical control panel [Fig.7] operable by the viewer to cause display of the auxiliary data associated with the icon. [Abstract, col.48-col. 2, lines 1-30, col. 3, lines 8-col. 6]

13. As per claims 7, *Wagner* teaches displaying said icon for a predetermined period, and thereafter removing the displayed icon from the screen. [pg. 5, lines 8-10]

14. As per claims 11, 12, 33, and 34, *Wagner* teaches of receiving and showing an icon at a predetermined time as it relates to a specific program or channel, it is inherent that after the specific program has ended that particular icon related to the show is removed from the screen.

15. As per claim 13, *Wagner* teaches displaying in the graphic control panel a title of the auxiliary data (Get Info) associated with the icon.

16. As per claim 14, *Wagner* teaches that responsive to a second signal from the viewer during the displaying of the graphical control panel, displaying the auxiliary data.

17. As per claims 25 and 26, *Wagner* discloses receiving the auxiliary data and television signal and seeing if they can be identified by the system's memory and recalling at least part of the memory for displaying to the screen.

18. As per claims 31 and 32, *Wagner* inherently teaches that the icon is translucent in order to not inhibit the viewer's program during the broadcast.

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19. Claims 6, 7, 11-15, 25, 26, and 31-34, are rejected under 35 U.S.C. 102(e) as being anticipated by *Kikinis*, (US 5,929,849).

20. As per claim 6, *Kikinis* teaches a method of operating a screen to transition between display of a television signal and display of auxiliary data from an auxiliary data network that delivers data apart from the television signal, comprising:

displaying a television signal;

in response to link data conveyed with the television signal, displaying with the displayed television signal an icon [57, Fig.2a] , said icon indicating the availability of associated auxiliary data from the auxiliary data network; and

responsive to a signal from a viewer during the displaying the icon displaying a graphical control panel [71, Fig. 2c] operable by the viewer to cause display of the auxiliary data associated with the icon. [Abstract, col. 2, lines 62-col. 11, lines 1-63]

21. As per claims 7, *Kikinis* teaches displaying said icon for a predetermined period, and thereafter removing the displayed icon from the screen.

22. As per claims 11, 12, 33, and 34, *Kikinis* teaches of receiving and showing an icon at a predetermined time as it relates to a specific program or channel, it is inherent that after the specific program has ended that particular icon related to the show is removed from the screen.

23. As per claim 13, *Kikinis* teaches displaying in the graphic control panel a title of the auxiliary data associated with the icon (Fig. 2c).

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24. As per claims 14 and 15, *Kikinis* teaches that responsive to a second signal from the viewer during the displaying of the graphical control panel, displaying the auxiliary data.

25. As per claims 25 and 26, *Kikinis* discloses receiving the auxiliary data and television signal and seeing if they can be identified by the system's memory and recalling at least part of the memory for displaying to the screen.

26. As per claims 31 and 32, *Kikinis* inherently teaches that the icon is translucent in order to not inhibit the viewer's program during the broadcast.

27. Claims 6, 7, 11-15, 25, 26, and 31-34, 42, and 43, are rejected under 35 U.S.C. 102(e) as being anticipated by *Matsuura*, (US 6,075,568).

28. As per claim 6, *Matsuura* teaches a method of operating a screen to transition between display of a television signal and display of auxiliary data from an auxiliary data network that delivers data apart [col. 10, lines 32-34] from the television signal, comprising:

displaying a television signal;

in response to link data conveyed with the television signal, displaying with the displayed television signal an icon [col. 5, lines 33-37], said icon indicating the availability of associated auxiliary data from the auxiliary data network; and

responsive to a signal from a viewer during the displaying the icon displaying a graphical control panel [Figs. 3, 4] operable by the viewer to cause display of the auxiliary data associated with the icon. [Abstract, col. 5, lines 54-57, col. 6, lines 1-17, 52-col. 10, lines 1-53]

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29. As per claims 7, 11, 12, 33, and 34, *Matsuura* teaches of receiving and showing an icon at a predetermined time as it relates to a specific program or channel, it is inherent that after the specific program has ended that particular icon related to the show is removed from the screen.

30. As per claim 13, *Matsuura* teaches displaying in the graphic control panel a title of the auxiliary data associated with the icon (Fig. 3, 4).

31. As per claims 14 and 15, *Matsuura* teaches that responsive to a second signal from the viewer during the displaying of the graphical control panel, displaying the auxiliary data. (Fig. 3,4)

32. As per claims 25 and 26, *Matsuura* discloses receiving the auxiliary data and television signal and seeing if they can be identified by the system's memory and recalling at least part of the memory for displaying to the screen.

33. As per claims 31 and 32, *Matsuura* inherently teaches that the icon is translucent in order to not inhibit the viewer's program during the broadcast.

34. As per claim 42, *Matsuura* teaches ending the displaying the graphical control panel and displaying the auxiliary data instead of the television signal.

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35. As per claim 43, *Matsuura* teaches allowing the user to store particular logical address links in a memory in order to be retrieved later - inherently this is a form of a favorite folder.
(col. 6, lines 52-57)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

36. Claims 15, 16, 21, 22, 24, 30-32, 35-39, and 45, are rejected under 35 U.S.C. 103(a) as being unpatentable over *Macrae et al.*, (US 2003/0005463).

37. As per claims 15, 16, 21, 22, 24, 30, 35-39, and 45, *Macrae* teaches a method of operating a screen transition between display of a television advertising message and display of additional information from the Internet relating to the subject of the advertising message, comprising:

displaying a televised advertising message;
in response to logical address link data conveyed with the televised advertising message,
displaying with said televised advertising message an icon; and

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in response to user selection of said icon, displaying a graphical control panel that presents to the user a plurality of options selectable by the user, a first option selectable by the user to indicate desire to return to the displaying the televised advertising message, and a second option selectable by the user to indicate desire to view additional information from the Internet relating to the subject of said advertising message. [pgs. 5-18]

38. *Macrae* teaches that in response to a selection of said icon, a graphical control panel [Figs. 3, 4] is display that presents to the user a plurality of selectable options. One option is to indicate a desire to view additional information from the Internet relating to the subject of said advertising message. *Macrae* does not expressly teach wherein one of the option is a desire to return to the televised advertising message; however, *Macrae* teaches that if an icon appears during a television program and the user presses an 'INFO' button, the graphical control panel will appear and give the user the option to store an Internet address associated with the icon, by storing the logical address link the icon disappears from the display screen. Presumably, the user is returned to the television program after selecting the option to store the Internet address. Therefore, the Office is taking the position that *Macrae* teaches of giving the user the option of returning to television program by hitting the 'STORE' button or viewing additional information related to the icon. [pg. 5, 0048, 0049]].

39. Claims 11, 12, 15, 16, 21, 22, 24, 30-39, 41, 43-48, 52-57, 60-63, 65, 67-71, 74, 76, and 77, are rejected under 35 U.S.C. 103(a) as being unpatentable over *Macrae et al.*, (US 2003/0005463) and *Broadwin et al.*, (US 5,929,850).

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40. As per claims 11, 12, 15, 16, 21, 22, 24, 30-39 *Macrae* teaches the method of operating a screen transition between display of a television advertising message and display of additional information from the Internet relating to the subject of the advertising message, but *Macrae* method of a two-step process may be improved.

41. *Broadwin* teaches an interactive television system that displays various selection options for linking images to an associated interactive program. Specially, *Broadwin's* system displays one or more selection options on a television screen as it related on an image. If the link is selected a graphical control panel is displayed (Fig. 15.16). The user is given the option to view additional information about the image related to the program (Fig. 16) or return to viewing the original program thereby ending the display of the panel. Specifically, *Broadwin* states "The one or more selection options are preferably overlaid on top of the video content....At least one of the selection options may be used to return to watching the audiovisual component of the AVI signal, i.e., to return to watching the television program", col. 11, lines 9-11, 15-17. *Broadwin* specifically teaches at step 522, Fig. 13 of "display video content (television program) from the selected channel on the television", step 524, "execute the interactive program from the AVI signal being display", step 526, "display one or more selection options on the television screen in response to execution", and step 528 "receive user input selecting a selection?", from there the system waits for the user's response. If the user selects to view information a graphical control panel appears over the television program (Fig. 16), from there the user is given the option of viewing additional information or returning to the television program. [*Broadwin*, col. 14, lines 17-col. 17, lines 60, col. 2, lines 25-col. 7, col. 9, lines 53-55, Figs. 13, Step H, 14, Step G , 16, and 18]

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42. Both *Broadwin* and *Macrae* draw to the same conclusion of displaying information associated with the current televised content, therefore, it would have been obvious to one of ordinary skill at the time the invention was made to implement *Broadwin*'s method to *Macrae* thereby allowing a user to return to viewing the televised content after selecting an 'icon' that states "return to television program." Doing so would improve the look and feel of *Macrae*'s graphical control panel.

43. As per claims 11, 12, 33, and 34, *Macrae* teaches of receiving and showing an icon at a predetermined time as it relates to a specific program or channel, it would have been obvious that after the specific program has ended that particular icon related to the show is removed from the screen.

44. As per claims 31, 32, and 39, *Macrae* obviously teaches that the icon is translucent in order to not inhibit the viewer's program during the broadcast.

45. As per claim 41, 44, 57, 65, and 76, *Macrae* teaches of displaying the icon for a limited amount of time and if the user does not respond disabling the icon from the screen. However, *Macrae* does not expressly teach that in response to subsequent link data, skipping displaying the icon at least in part upon result of comparing the subsequent link data to at least some previous link data. Nonetheless, it would have been obvious to one of ordinary skill that *Macrae* would have been motivated to limit the number of times a icon is shown during a particular broadcast if the user did not respond the first time, because implementing such a method would ensure that the user's television broadcast would not be unduly interrupt..

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46. As per claim 45, *Macrae* teaches wherein the graphical control panel further presents to the user a title for the additional information from the Internet.

47. As per claim 46, *Macrae* teaches wherein the graphical control panel includes a plurality of graphical controls, and wherein the plurality of graphical controls include a first graphical control associated with the first option and a second graphical control associated with the second option.

48. As per claim 47, 43, 48, 60, 62, 69, 70, and 77, *Macrae* teaches adding data identifying the additional information to a log; ('STORE' option) and after selection of the first option, returning to the displaying of the televised advertising message. *Macrae* teaches displaying at least part of the log (favorite folder); and in response to user selection of the added data, retrieving and displaying the additional information. Specifically, *Macrae* gives the user the ability to stored certain logical address links in a memory that may be recalled later by the user.
[0051]

49. As per claim 53, 63, and 68, *Macrae* teaches wherein the icon is translucent.

50. As per claim 52, *Macrae* teaches wherein the alerting includes displaying an icon.

51. As per claim 54, *Macrae* teaches wherein the graphical control panel includes a graphical control for causing the displaying of said page of supplementary data.

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52. As per claim 55, *Macrae* teaches wherein the graphical control panel includes a plural graphical controls.

53. As per claim 56, *Macrae* teaches returning to the displaying the television programming; adding data identifying said page of supplementary data to a log; displaying at least part of the log; and in response to user selection of the added data in the displayed log, re-displaying said page of supplementary data.

54. As per claims 61 and 67, *Macrae* teaches wherein a predetermined period of time limits duration of the displaying the icon.

55. As per claim 71, *Macrae* teaches wherein the processing unit causes the display of the auxiliary data concurrently with the display of the television programming. [Figs. 3,4]

56. As per claim 74, *Macrae* teaches a set-top box wherein the processing unit: causes display of a panel with description of the auxiliary data; and responsive to receipt of a first user input signal during the display of the panel, causes ending the display of the panel and returning to the display of the television programming.

57. Claims 11, 12, 15, 16, 21, 22, 24, 30-39, 45-50, 52-56, 59, 60-63, 66-70, 72, 74, and 77, are rejected under 35 U.S.C. 103(a) as being unpatentable over *Macrae et al.*, (US 2003/0005463) and *Matsuura*, (US 6,075,568).

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58. As per claims 16, 21, 22, 24, 30, and 35-38, *Macrae* teaches the method of operating a screen transition between display of a television advertising message and display of additional information from the Internet relating to the subject of the advertising message, but does not clearly teach of a two step process. However, *Macrae* teaches of the user selecting the logical address link (icon) by pressing the “INFO” button. This allows the user to access a menu of options, one option is to store the Internet site address, if the store button is press the Internet site address and the corresponding descriptive title is sent to temporary storage (RAM) (pg. 5, [0049]). By choosing the store button from the menu of options the icon is extinguished from the user’s display screen [pg. 5, [0048].

59. However, *Matsuura* teaches a two-step method of teaches the method of operating a screen transition between display of a television advertising message and display of additional information from the Internet relating to the subject of the advertising message, comprising:

- displaying a televised advertising message;
- in response to logical address link data conveyed with the televised advertising message, displaying with said televised advertising message an icon; and
- in response to user selection of said icon, displaying a graphical control panel that presents to the user with the option selectable by the user to indicate desire to view additional information from the Internet relating to the subject of said advertising message (Fig.3).

[Abstract, col. 5, lines 54-57, col. 6, lines 1-17, 52-col. 10, lines 1-53, col. 11, lines 12-40 (claim 1)]

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60. *Matsuura* also gives the user a first option selectable by the user to indicate desire to return to the displaying the televised advertising message, and the second option selectable by the user to indicate desire to view additional information from the Internet relating to the subject of an advertising message. (Fig. 4) However, in response to the received logical address link the user may choose to view additional information or save the received logical address link. From there a graphical control panel initiated by the user gives the user the choice of browsing the received logical address links (Display Address List) or simply return to acting the televised program. It is the position of the office that *Matsuura* teaches a two-step process that allows the user to first decide whether to indeed view additional information or return to the televised program.

61. It would have been obvious to one of ordinary skill that *Macrae* would have been motivated to implement the two-step method taught by *Matsuura*, because doing would add and expand the flexibility of *Macrae* by giving the user an easy-to-use interface for determining whether the system should proceed to the Internet to view additional information after receiving an associated logical address link or simply return to viewing the television broadcast.

62. As per claim 45, *Matsuura* teaches wherein the graphical control panel further presents to the user a title for the additional information from the Internet.

63. As per claim 46, *Matsuura* teaches wherein the graphical control panel includes a plurality of graphical controls, and wherein the plurality of graphical controls include a first

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graphical control associated with the first option and a second graphical control associated with the second option.

64. As per claim 47, *Matsuura* teaches adding data identifying the additional information to a log; (add to address list option, col. 6, lines 55-57) and after selection of the first option, returning to the displaying of the televised advertising message.

65. As per claims 48, 62, and 69, *Matsuura* teaches displaying at least part of the log; and in response to user selection of the added data, retrieving and displaying the additional information. (Fig. 4)

66. As per claims 49, 70, and 72, *Matsuura* teaches wherein the displayed graphical control panel overlaps the displayed television advertising message, the method further comprising, after selection of the second option, displaying the additional information instead of the displayed television advertising message.

67. As per claims 39, 50, 53, 63 and 68, *Matsuura* teaches wherein the icon is translucent.

68. As per claim 52, *Matsuura* teaches wherein the alerting includes displaying an icon.

69. As per claims 54 and 66, *Matsuura* teaches wherein the graphical control panel includes a graphical control for causing the displaying of said page of supplementary data.

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70. As per claim 55, *Matsuura* teaches wherein the graphical control panel includes a plural graphical controls.

71. As per claim 56, *Matsuura* teaches returning to the displaying the television programming; adding data identifying said page of supplementary data to a log; displaying at least part of the log; and in response to user selection of the added data in the displayed log, re-displaying said page of supplementary data.

72. As per claim 59, *Matsuura* teaches ending the displaying the graphical control panel and displaying the auxiliary data instead of the television signal.

73. As per claim 60 and 77, *Matsuura* teaches allowing the user to store particular logical address links in a memory in order to be retrieved later - obviously this is a form of a favorite folder. (col. 6, lines 52-57)

74. As per claims 61, 67, *Matsuura* teaches wherein a predetermined period of time limits duration of the displaying the icon.

75. As per claim 74, *Matsuura* teaches wherein the processing unit causes display of a panel with description of the auxiliary data; and responsive to receipt of a first user input signal during the display of the panel, cause ending the display of the panel and returning to the display of the television programming.

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76. Claims 40, 51, 58, 64, 73, and 75 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Wagner et al.*, (US 6,335,736) and *Kaplan*, (US 6,058,430 - previously cited in Paper # 11)

77. As per claims 40, 51, 58, 64, 73, 75, having a progress indicator indicating progress of retrieval of the auxiliary data is well known in the art, thereby making use an indicator obvious. Specifically, *Wagner* disclose a method of the well known indicator (Figs. 8a-8d). Furthermore, *Kaplan* also teaches the well known indicator. (*Kaplan*, col. 5, lines 23-26)

78. Applicant's arguments filed on 06/28/03 have been fully considered but are moot based on the new grounds of rejections.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tammara Peyton whose telephone number is (703) 306-5508. The examiner can normally be reached between 6:30 - 4:00 from Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Gaffin, can be reached on (703) 308-3301. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3718.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.

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Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Mailed responses to this action should be sent to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231.

Faxes for formal communications intended for entry should be sent to:

(703) 746-7238, After Final (703) 746-7239

or, for informal or draft communications, to:

(703) 746-7240 (please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to:

Crystal Park II, 2121 Crystal Drive, Arlington, VA, Fourth Floor (Receptionist).

Tammara Peyton

August 29, 2003

A handwritten signature in cursive script, appearing to read "Tammara Peyton". The signature is written in black ink and is positioned below the typed name and date.